

BAKER BOTTS LLP

THE WARNER
1299 PENNSYLVANIA AVE., NW
WASHINGTON, D.C.
20004-2400

TEL +1 202.639.7700
FAX +1 202.639.7890
www.bakerbotts.com

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February 6, 2008

Mr. Joel La Bissonniere
Assistant General Counsel for Ocean Services (GCOS)
1305 East West Highway
Room 6111 SSMC4
Silver Spring, MD 20910

Randolph Q. McManus
TEL +1 (202) 639-7725
FAX +1 (202) 585-1044
randy.mcmanus@bakerbotts.com

Re: Consistency Appeal of AES Sparrows Point LNG, LLC and Mid-Atlantic Express, L.L.C.

Dear Mr. La Bissonniere:

On January 10, 2008, the National Oceanic and Atmospheric Administration ("NOAA") sent a letter ("NOAA Letter") to AES Sparrows Point LNG, LLC and Mid-Atlantic Express, L.L.C. (collectively "AES"), and the Maryland Department of the Environment ("MDE"), regarding supplementation of the consolidated record in the above-referenced proceeding. In response, on January 25, 2008, AES filed its request to supplement the consolidated record ("AES Supplement"), explained the justification for doing so and provided full copies of each document to be included in the record.

The AES Supplement contained a letter from AES to MDE dated January 25, 2008 (Document #25 of the AES Supplement) in response to a data request made by MDE dated January 23, 2008. The January 23 MDE data request asked for information regarding pipeline-related impacts to waterbodies and wetlands, as well as Processed Dredge Material. Given the timing of MDE's data request and the filing date set forth in the NOAA Letter, however, a more detailed response was not possible at that time. Accordingly, AES made note in its January 25 letter that AES would provide appropriate answers to the data requests in a detailed response to follow, and reserved the right in the AES Supplement to request that the Secretary supplement the consolidated record with AES's more detailed response to the data request when such response was submitted to MDE.

AES filed its detailed response to the MDE data request on February 5, 2008. Because the February 5 response provides both information requested by the Secretary in the NOAA Letter and clarifying information regarding the matters on appeal, *see* 16 U.S.C. § 1465(b)(3)(A)(ii); 15 C.F.R. § 930.130(a)(2)(ii), and that information was not available when the AES Supplement was filed due to the timing of the MDE request, AES hereby requests that its February 5 response be included in the consolidated record for the reasons set forth in the January 25, 2008 request to supplement the record.

February 6, 2008

If you have any questions regarding this request, please do not hesitate to contact the undersigned at (202) 639-7725.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. McManus', followed by a long horizontal flourish.

Randolph Q. McManus
Attorney for
AES Sparrows Point LNG, LLC
and Mid-Atlantic Express, L.L.C.

cc: Mr. Elder A. Ghigiarelli, Jr., Deputy Administrator, MDE
Mr. Judah Prero, Assistant Attorney General
Ms. Kimberly D. Bose, Secretary, FERC
Mr. Joseph P. DaVia, U.S. Army Corps of Engineers - Baltimore District